UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,738	09/19/2003	Geoffrey Alan Cleary	SEDN/993	4692

56015 7590 10/12/2007 PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702	**EXAMINER** WILSER, MICHAEL P

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
10/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/665,738	CLEARY ET AL.
	Examiner	Art Unit	
	Michael Wilser	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 July 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 July 2007_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7 are pending in this application.

Specification

2.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeo et al.

(US 7,227,589).

5.   As per Claim 1, Yeo teaches the invention as claimed including a method

comprising:

        a. associating each of a plurality of processing elements with at least one

respective video server process (abstract, lines 5-7);

        b. assigning priority to the processing elements according to a hierarchy of video

server processes, each of the video server processes having a relative priority level with

respect to other video server processes (column 2, lines 22-28); and

        c. adjusting the hierarchy of video server processes according to at least one of

monitored timing parameters, changes in system loading conditions, changes in

operating conditions, and operating system scheduler requirements (column 3, lines 65

– column 4, lines 9).

6.   As per Claim 2, Yeo further discloses adjusting the association of processing

elements and video server processes in response to at least one of processing element

loading, monitored timing parameters, changes to system loading conditions, changes

in system operating conditions, and operating system scheduler requirements (column

3, lines 64 – column 4, line 9).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo

et al. (US 7,227,589) in view of Manikundalam et al. (US 6,058,414).

9.   As per Claim 3, Yeo does not explicitly discloses binding individual processing

elements to respective processes. However, Manikundalam discloses a method in

which processing elements are bound to specific processes (column 2, lines 54-55).

10.   It would have been obvious to one of ordinary skill in the art at the time of

invention to bind the processing elements in Yeo's invention by Manikundalam's

method. One would have been motivated to bind the processing elements to one

process so that the process would always run on that particular processing element

which was specifically set up to run that type of process.

11.   As per Claim 4, Manikundalam further discloses binding is provided by modifying

a kernel within an operating system (column 2, lines 48-62).

12.   As per Claim 5, Yeo further discloses a first processing element is associated

with at least one administrative process and a second processing element is associated

with software for driving video output data at a controlled rate (column 2, lines 22-28).

13.   Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo

et al. (US 7,227,589) in view of Kikuchi et al. (US 6,212,571).

14.   As per Claim 6, Yeo does not explicitly disclose that individual processing

elements are distributed among a plurality of servers. However, Kikuchi discloses a

method in which processing elements are distributed among a plurality of servers

(column 1, lines 10-13).

15.   It would have been obvious to one of ordinary skill in the art at the time of

invention to have the processing elements in Yeo's invention be distributed among a

plurality of servers. One would have been motivated to distribute the processing

elements across a plurality of servers since it is common in the computing arts to be

able to use components that are distributed across a network and not located on the

same physical machine.

16.   As per Claim 7, Kikuchi further discloses synchronizing the plurality of servers using a network time protocol (column 10, lines 4-6).

Response to Arguments

17.   Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPW
October 5, 2007

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